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U.S. Citizenship
and Immigration
Services

JUN 18 2004

FILE:

Office: CALIFORNIA SERVICE CENTER

Date:

IN RE:

Applicant:

APPLICATION: Application for Status as a Temporary Resident pursuant to Section 245A of the
Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

ON BEHALF OF APPLICANT:

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the service center that processed your case. If your appeal was sustained, or if your case was remanded for further action, you will be contacted. If your appeal was dismissed, you no longer have a case pending before this office, and you are not entitled to file a motion to reopen or reconsider your case.

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application for temporary resident status was denied by the Director Southern Regional Processing Facility, and is now before the Administrative Appeals Office on appeal. The matter will be remanded for further consideration and action.

A review of the electronic record reveals that subsequent to the filing of an appeal on the applicant's behalf on November 17, 1990, this matter has been reopened by the Immigration and Naturalization Service, or the Service (now Citizenship and Immigration Services, or CIS) on its own motion on November 25, 1991, and then again on July 17, 2002. The record does not contain a decision subsequent to the either reopening of this matter. Furthermore, the record shows that the applicant appeared for an interview before a CIS officer on April 11, 2003, at which time he was issued a Form I-72, Request for Additional Evidence. The Form I-72 requested that the applicant provide additional proof of his residence in the United States in the period from prior to January 1, 1982 through May 4, 1988. However, as of the date of this decision, the applicant has failed to submit a statement or documentation in response to this request for additional evidence in support of his claim of continuous unlawful residence in this country during this period. Nevertheless, the record contains no indication that CIS has subsequently informed the applicant of any deficiencies in his application. According to 8 C.F.R. § 103.3(a)(3), whenever a legalization application for temporary resident status is denied, the alien shall be given written notice setting forth the specific reasons for the denial on Form I-692.

The case is remanded in order to complete the adjudication process. Once adjudication of the application is complete, the director shall issue a new written decision that fully addresses the evidence. If the new decision is adverse, it shall be certified to this office.

ORDER: The case is remanded for appropriate action and decision consistent with the foregoing.